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SEP 08 2004

Department of Water Resources
Southern Region

Ident. No. 45-13852

Page 1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: SIX S RANCH LLC
PO BOX 1760
EAGLE ID 83616
(208)854-0414

2. Source: MARSH CREEK Tributary to: SNAKE RIVER

3. Location of Point of Diversion:

#1 MARSH CREEK
CASSIA County

SE1/4NW1/4

Sec. 22, Twp 11S, Rge 25E, B.M.

4. Water will be used for the following purposes:

Purpose	From To	RATE OF DIVERSION	ANNUAL VOLUME
WATER QUALITY IMPROVEMENT	01/01 to 12/31	30.00 CFS	
WILDLIFE	01/01 to 12/31	30.00 CFS	

5. Total quantity to be appropriated is: 30.00 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: EXISING IRRIGATION CANAL
FROM MARSH CREEK

b. Height of storage dam N/A feet;
Active reservoir capacity N/A acre-feet;
Total reservoir capacity N/A acre-feet;

c. Proposed well diameter is N/A inches;
Proposed depth of well is N/A feet.

d. Is ground water with a temperature of greater than 85F being sought?

e. If well is already drilled, when? N/A;
Drilling Firm N/A;
Drilling Permit No. N/A.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 year(s).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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8.

PLACE OF USE: WATER QUALITY
IMPROVEMENT

Twp Rge Sec	NE				NW				SW				SE				Totals
11S 25E 22	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
								X									

PLACE OF USE: WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
11S 25E 22	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
								X									

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

Two sediment catchment basins with the following dimensions (225' long, 10' deep, 60' wide) will be constructed immediately adjacent to Marsh Creek on Six S Ranch's property in the SENW of Section 22, Township 11 South, Range 25 East, Cassia County. Only one basin will be in use during the year. When the first basin is full of sediment, water will then be diverted into the second basin. Water will be diverted into the sediment catchment basin and then immediately returned to Marsh Creek. The purpose of these catch basins is to substantially reduce the amount of sediment and debris in Marsh Creek, thereby improving its water quality. The basins will also reduce the amount of sediment reaching the property's reservoirs, thereby increasing their longevity as well. The open water of the basins will also provide wildlife habitat.

The proposed use is non-consumptive, water will be diverted into the catchment basin and immediately returned to Marsh Creek after sediments have settled out. ~~In addition, any consumptive use associated with the sediment catchment basin (0.3 acre surface area / evaporation and 1.2 acre-feet / volume) will be completely mitigated through Six S Ranch's Application for Transfer No. 71402 where twenty-nine and four tenths acres (29.4) will no longer be irrigated under water rights nos. 45-262, 45-267, 45-268, 45-269, 45-270, 45-281, 45-282, 45-298, 45-527, 45-261, and 45-13503.~~

227 7-14-05

11. Map of proposed point of diversion and place of use attached? [Y]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Mark A. Skaggs
Applicant
Managing member of S Ranch LLC

Received by C. SKINNER Date 9/8/2004 Time 4:30 Preliminary check by C. SKINNER
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

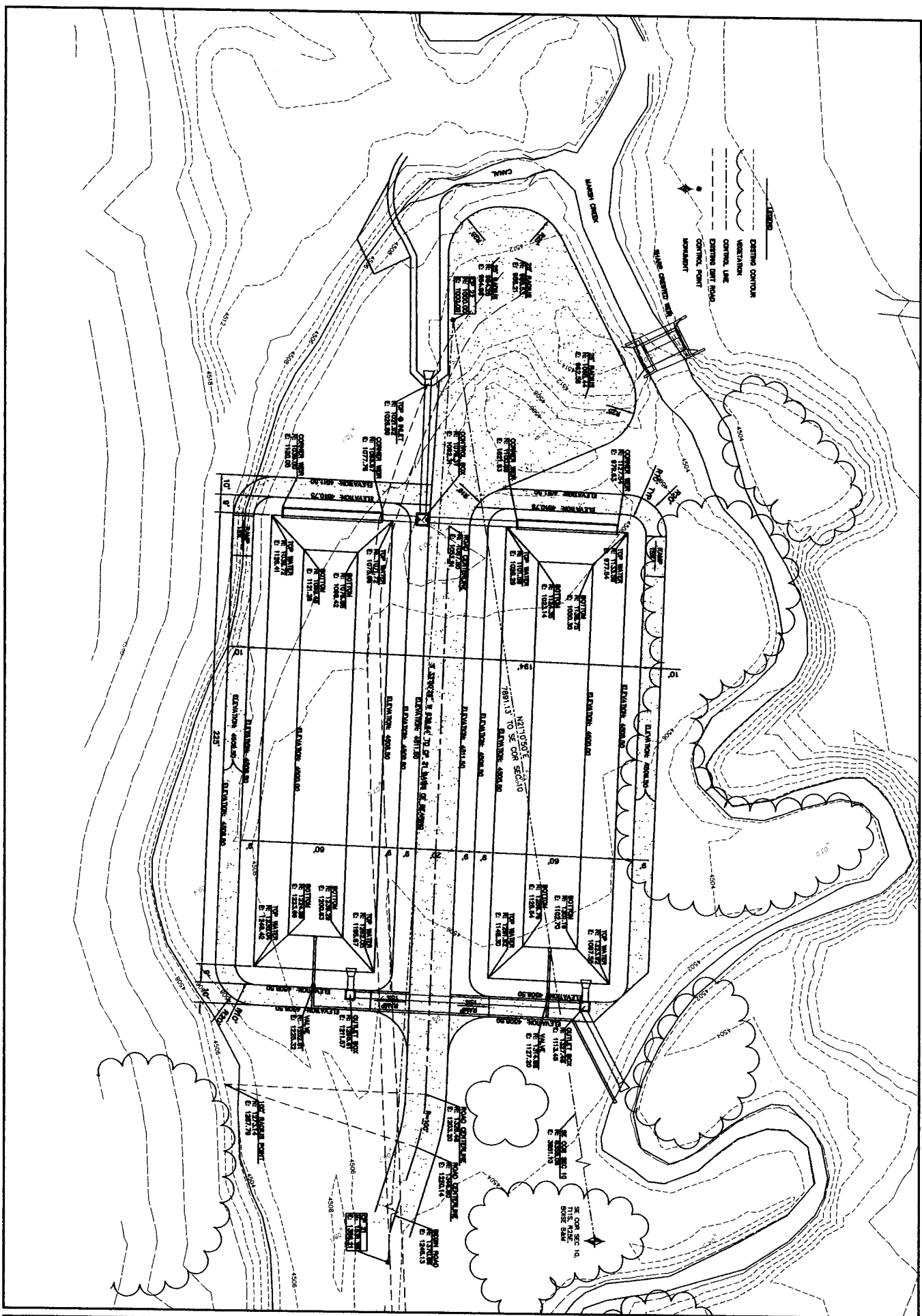
Receipt No. 5027027

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

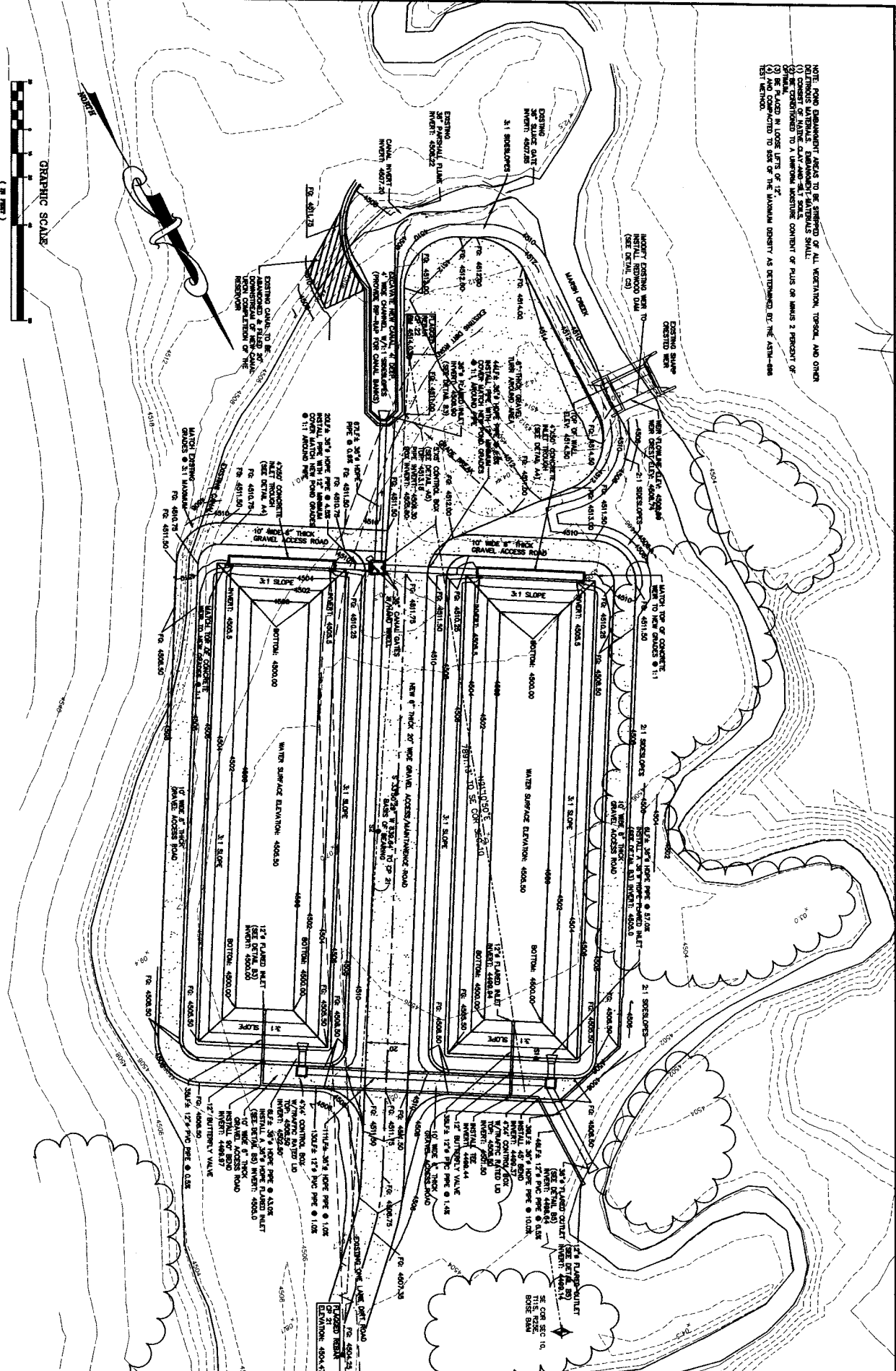
To appropriate the public water of the State of Idaho

Date: 9/8/2004
Received by: C. SKINNER



SURVEY CONTROL PLAN DESILTING PONDS PREPARED FOR: SIX S RANCH LOCATION: ALBION IDAHO		Drawn: <u>SKC</u> Date: <u>2000/03/14</u> Designer: <u>JP</u> Checked: <u>JP</u> Approved: <u>JP</u> Scale: <u>1"=200'</u> Job No.: <u>58522</u>		BUSH & GUDGELL, INC. Engineers - Planners - Surveyors 555 South 200 East, Salt Lake City, Utah 84111 (801) 384-1212 Fax (801) 384-1225 Offices: St. George, Utah	No. <u>1</u> Date <u>1/1/00</u> By <u>JP</u>
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NOTE: FLOOD DAMPMENT AREAS TO BE STRIPPED OF ALL VEGETATION, TOPSOIL, AND OTHER
 DISTURBED MATERIALS. EROSIONARY MATERIALS SHALL
 BE CONFINED TO A LIMITED MOUNTAIN. CONTENT OF PLOTS OR LOTS 2 PERCENT OF
 TOTAL. EXCEPT IN LARGE LOTS OF 12"
 (1) AND COMPACTED TO 95% OF THE MAXIMUM DENSITY AS DETERMINED BY THE ASTM-446
 TEST METHOD.



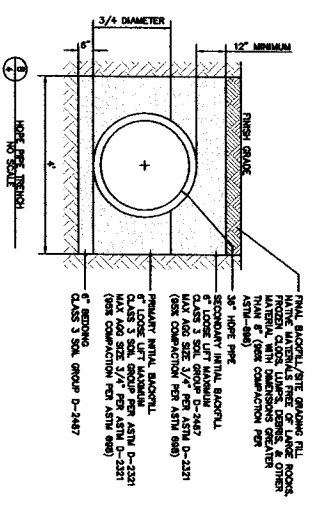
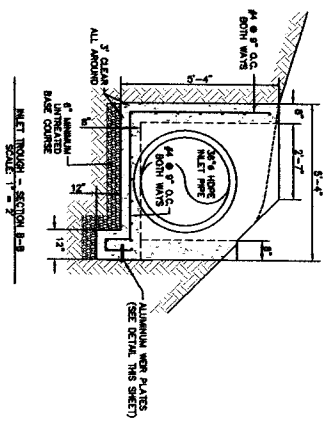
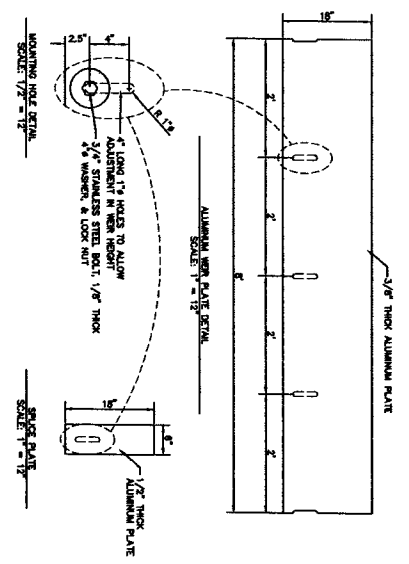
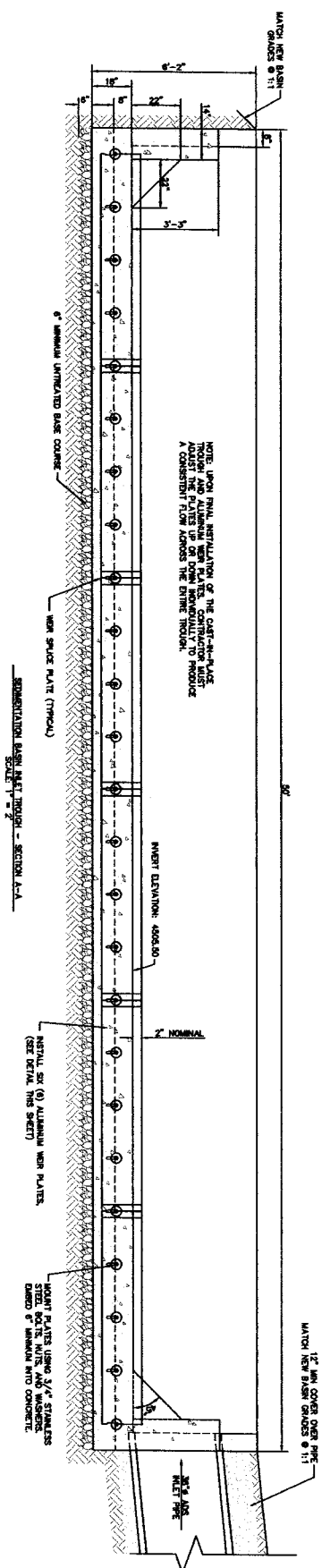
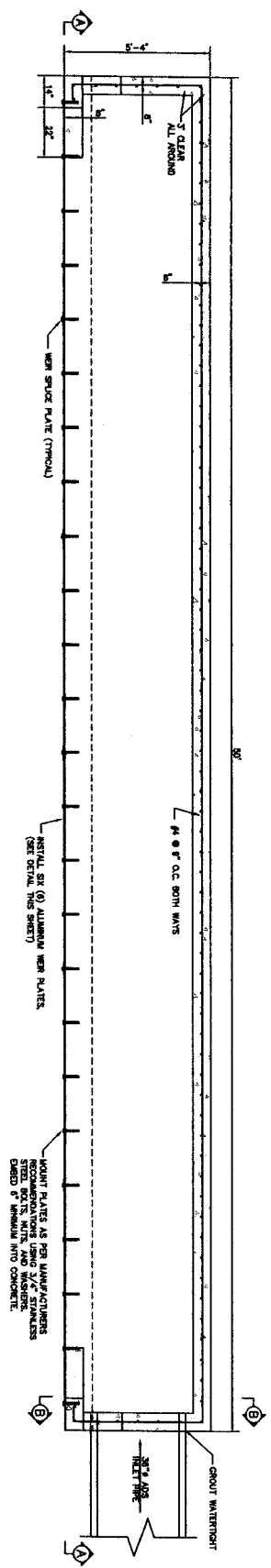
PLAN VIEW
 DESILTING PONDS
 PREPARED FOR SIX S RANCH
 LOCATION: ALBION IDAHO

Drawn: BKS Date: 1-1-2003
 Designer: JLD
 Checker: JLD
 Approved: JLD
 Scale: 1" = 50'
 Job No.: 45522



BUSH & GUDGELL, INC.
 Engineers - Planners - Surveyors
 555 South 300 East, Salt Lake City, Utah 84111
 (801) 354-1212 Fax (801) 354-1225
 Office: St. George, Utah

No.	Date	By	Revised
1			
2			
3			
4			
5			



**INLET TROUGH
DESILTING PONDS**
PREPARED FOR SIX S RANCH
LOCATION: ALBION IDAHO

Drawn: BKS Date: 3/28/2013
Designed: JEP
Checked: JEP
Approved: AS SHOWN
Job No: 15552



BUSH & GUDGE, INC.
Engineers - Planners - Surveyors
555 South 300 East, Salt Lake City, Utah 84111
(801) 364-1212 Fax (801) 364-1225
Offices: St. George, Utah

Rev	Date	By	Reason

SHEET	4
SHEETS	5
FILE NO	15552

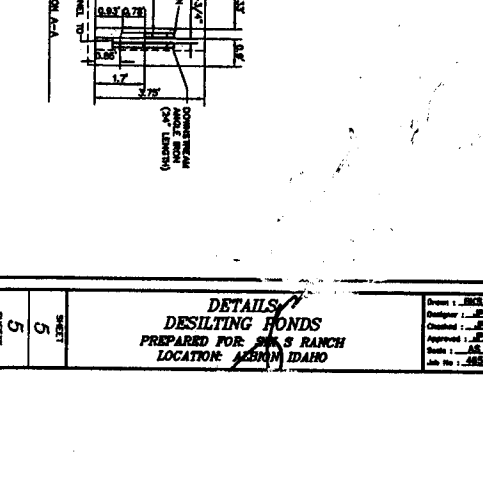
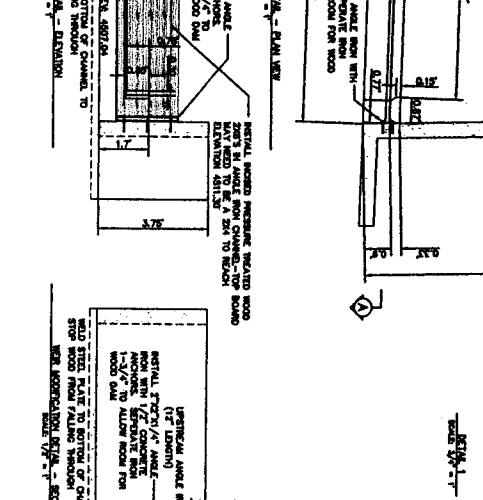
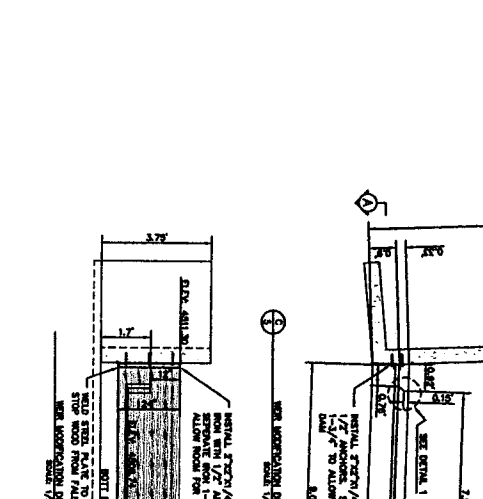
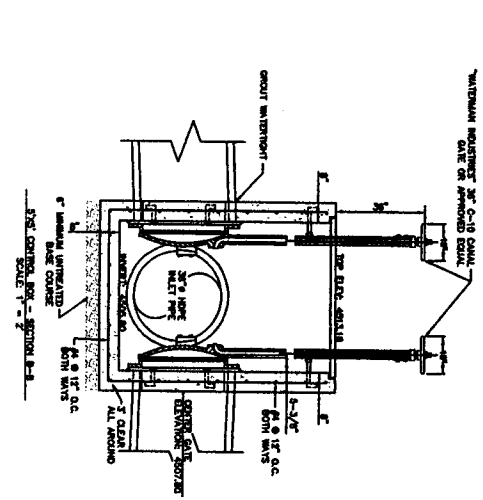
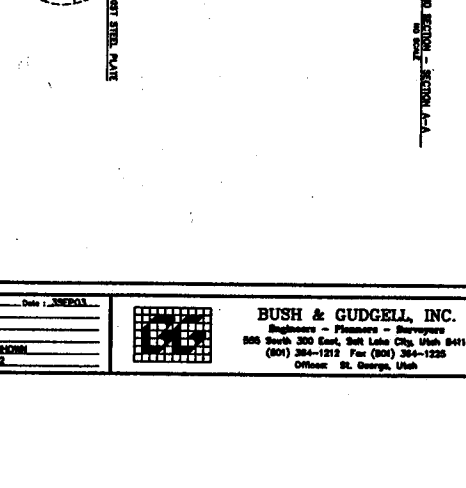
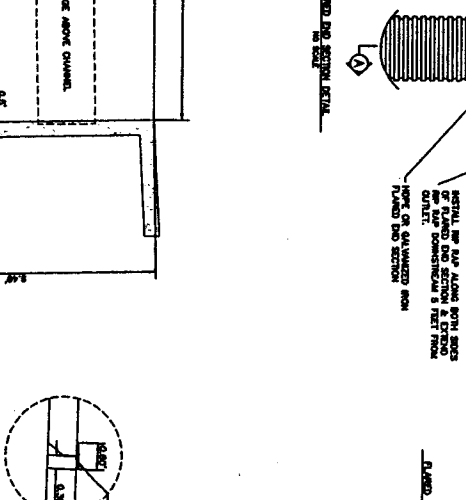
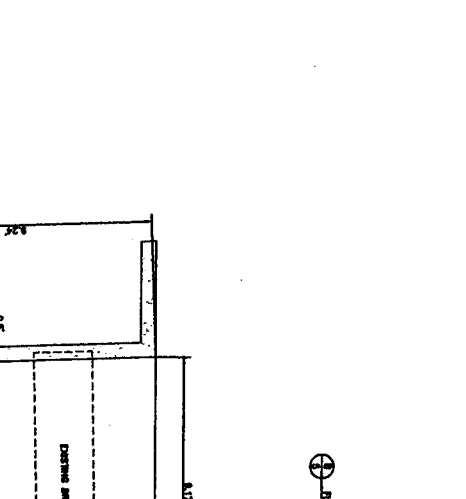
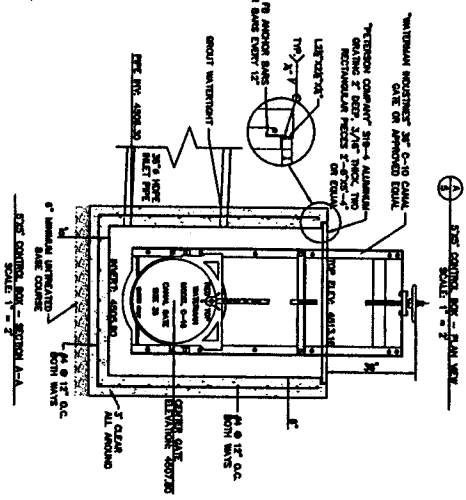
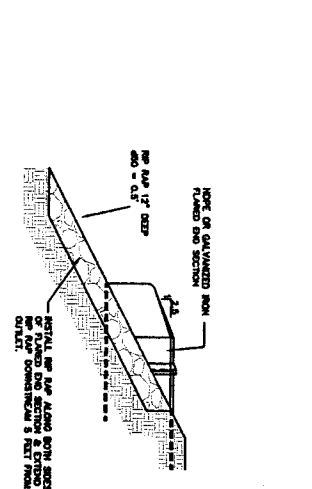
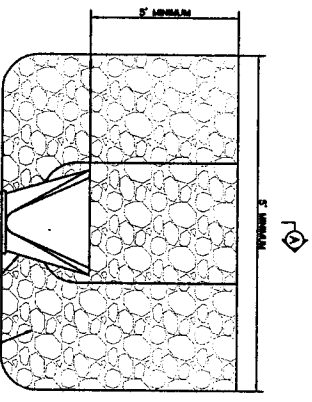
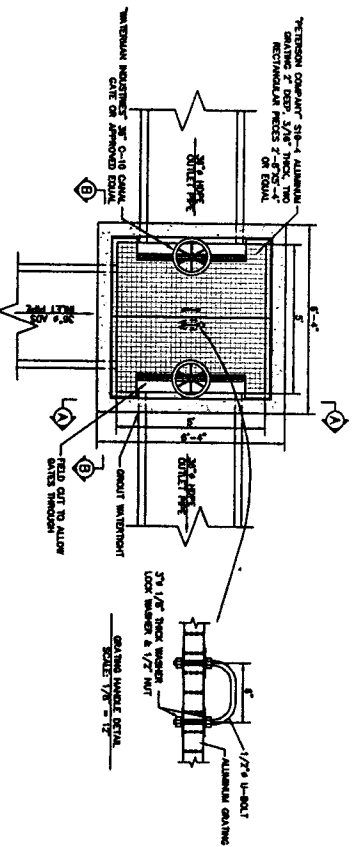


EXHIBIT 1

AMERICAN WATER RESOURCES COMPANY

August 31, 2004

Corey Skinner
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Six-S Ranch Application for Transfer No. 71402 / Application for Permit No. 45-13852

Corey,

This letter responds to your request to justify the amounts of water identified on the water right transfer and application for permit covering the wildlife and water quality improvement uses of the water for the Six-S Ranch project (sediment catchment basins and wetlands). The project was conceived over three years ago, and the principal idea behind the project was to create wildlife habitat within a reach on Marsh Creek encompassing 806 acres; this wildlife habitat is now called the Skaggs Wildlife Habitat Restoration Project. The basic premises for the project are to 1) replace the existing storage reservoir that has filled with sediment with a new reservoir, 2) make good use of the filled reservoir as wildlife habitat, 3) at the furthestmost point upstream on Marsh Creek (within the 806 acres) place two sediment catchment basins in order to reduce the amount of sediment moving into the new reservoir and continuing along Marsh Creek, and 4) downstream of the new Point of Rocks Dam (which creates the new reservoir) place a series of three wetland areas which were designed to further reduce sediment and nutrient load within Marsh Creek and create even more wildlife habitat. The project would also incorporate and fully complement Six-S Ranch's current irrigation system, which includes the existing and proposed reservoirs. In the early stages of this project approximately three years ago there were interagency meetings scheduled at the ranch with the purpose of ensuring that each of these agencies were aware of the initial plans for the project and their concerns could be addressed.

In order to satisfy IDWR's request, I offer the following comments for its consideration on the transfer and application for permit. First, the volumes of water going through the sediment catchment basins and wetlands were designed by Bush and Gudgeon, Inc. (an engineering firm in Salt Lake City, Utah), to minimize the amount of sediment in the Marsh Creek system and to maximize the amount of wetlands within the project area.

The plan is to divert 30 cfs from Marsh Creek through the sediment catchment basins and then return the water immediately back into the stream. The water will then flow approximately 1,500 feet down the existing channel to the top of the reservoir formed by the Point of Rocks Dam. The top of the reservoir will be approximately 2,600 feet upstream of the dam. Since we are filling and compacting the old channel within the reservoir area approximately 3,600 feet of open ditch will be eliminated. There should be

AMERICAN WATER RESOURCES COMPANY

an increase in the water available at the dam site, although some water will be lost to evaporation (Bush and Gudge, Inc.). The evaporation at the new reservoir was mitigated for in transfer No. 70463 approved by IDWR last year.

The primary reason for the design of and location for the sediment catchment basins at the site above the Point of Rocks Dam impounded area is to limit the amount of sediment from Marsh Creek that reaches the new storage facility in order to increase the longevity of the new reservoir. The size and volume capacities of the two basins were designed to capture the maximum amount of sediment possible during high flows when sediment concentrations would be highest (Bush and Gudge, Inc.). See attached July 30, 2004 letter from John Probasco.

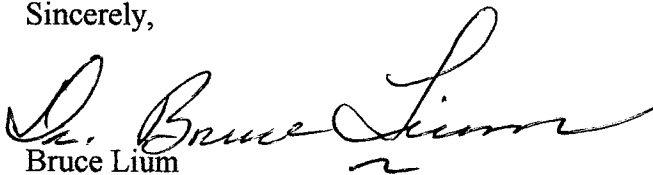
The wetlands were designed to be located along Marsh Creek between the Point of Rocks Dam and the existing reservoir to maximize water for habitat and wildlife in this area. Each dike site was chosen so that it was located at the least distance between the adjacent valley contours/cross-section. The height of each dike was designed to provide a maximum amount of wetland while keeping the dike height relatively low. The wetland sites will also provide areas for settling out sediment and nutrients. The aesthetic values were also considered in determining the locations (Bush and Gudge, Inc.).

The volume of water to be stored in the wetland area formed by the dikes was calculated from the contours shown on the aerial maps and using the high water elevation of each dike. A computer program was used which runs sections across the area in several places and determines the volume of water stored (Bush and Gudge, Inc.).

I am enclosing 8 ½ x 11 design plans for the sediment catchment basins and wetlands. I also have access to reports by Bush and Gudge, Inc., which describe specifications for these two projects.

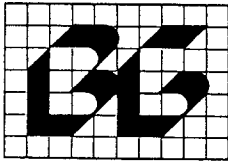
My personal feeling is that the Skaggs are voluntarily willing to develop wildlife habitat, improve riparian systems and water quality, create wetlands, reduce sediment in Marsh Creek, and address their water right and water storage issues for the overall benefit of the lower Marsh Creek watershed. As we know, this is usually not the case. We should embrace their tremendous effort to improve water quality and enhance habitats.

Sincerely,



Bruce Lium
American Water Resources

Enc.



BUSH & GUDGELL, INC.
Engineers • Planners • Surveyors
555 South 300 East
Salt Lake City, Utah 84111
(801) 364-1212
FAX (801) 364-1225

July 30, 2004

Mr. Bruce Lium, PhD
American Water Resources
P.O. Box 1979
Hailey, ID 83333

Re: Six S Ranch Wetlands Transfer

Dear Bruce:

The following information is provided to help you respond to Mr. Thompson's letter dated July 26, 2004:

1. Enclosed is a copy of the gauging record of Station 1308230 that was installed in Marsh Creek from 1966 to 1973. This record was included in our report for the proposed water retention dam dated February 2003. Each settling pond is designed for a flow of 30 cfs.

If both ponds are operating with a stream flow of 60 cfs the majority of particles will be removed from the stream. You will note from the graph that all of the stream flow did not exceed 60 cfs except peaks that occurred in 1970, 1971, 1972 and 1973 and that one pond operating handling 30 cfs would give satisfactory removal except certain days during spring run off.

2. Any seepage loss in the wetlands would return to Marsh Creek.

Sincerely,

BUSH & GUDGELL, INC.


John L. Probasco, PE & PLS
Project Manager

JLP:ccd

enclosure

USGS STREAM GAUGING STATION 13082300
MARSH CREEK NEAR ALBION IDAHO

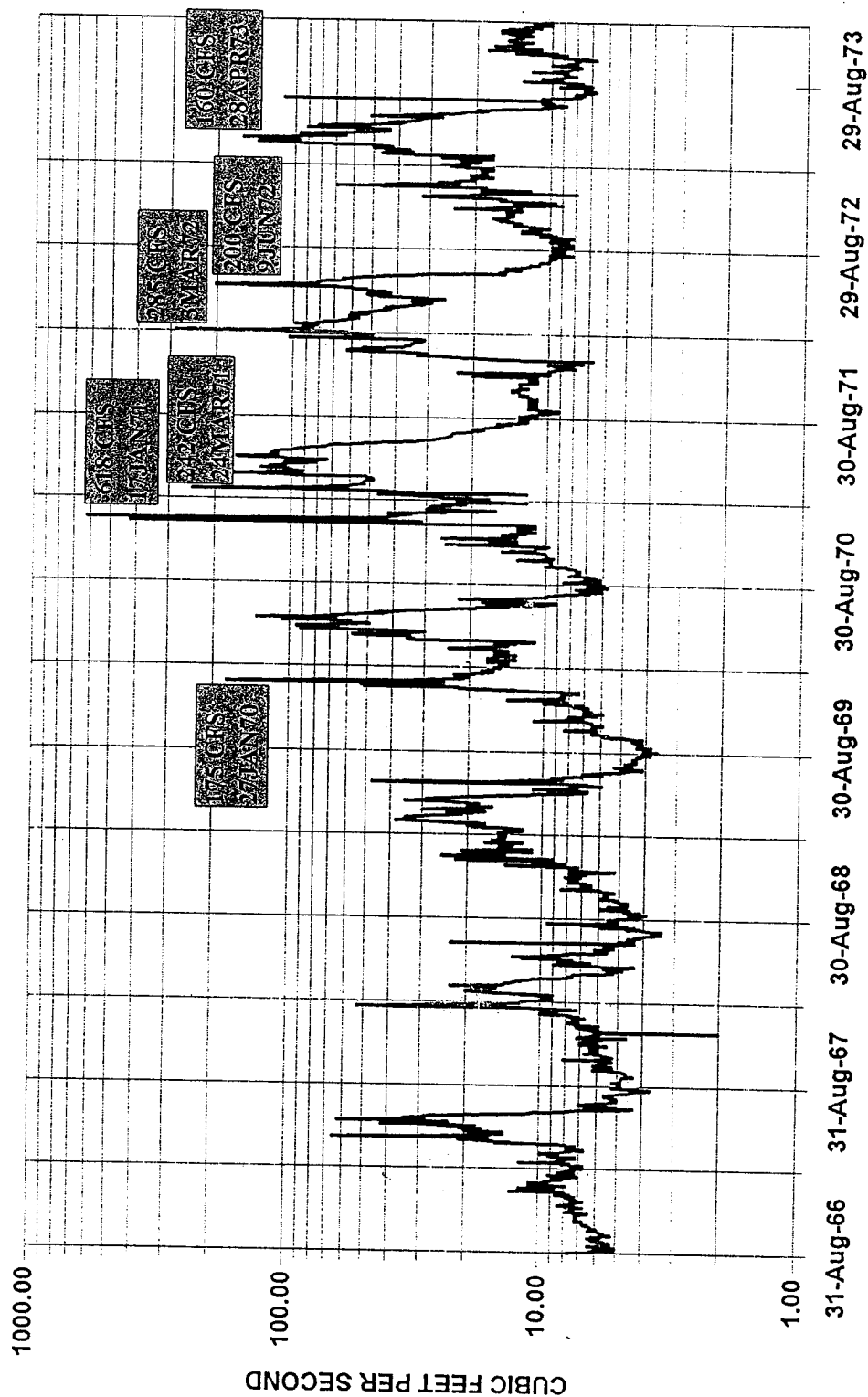


FIGURE B-1

EXHIBIT 2